

March 25, 2002

Lowry Liquor  
2426 2<sup>nd</sup> Street NE  
Minneapolis, MN

Lowry Laundry  
100 Lowry Avenue NE  
Minneapolis, MN

Loren Gross  
8609 Lyndale Avenue  
Bloomington, MN 55420

Gerald H. Lindstrom  
665 East 84<sup>th</sup> Street  
Bloomington, MN 55426

Karen J. Lindstrom  
5555 West Danube  
Fridley, MN 55423

Re: ***Business Licenses of Lowry Liquor and Lowry Laundry.***

Dear Sir or Madam:

### **Notice of Complaint**

This letter is to inform you that there is reason for the City of Minneapolis to take adverse action against all business licenses held by Lowry Liquor Store, Inc., 2426 2<sup>nd</sup> Street NE, Minneapolis, MN and Cleaners & Self Service Laundry, 100 Lowry Avenue NE. Records indicate that the business are owned by Gerald H. Lindstrom and Karen J. Lindstrom.

The City of Minneapolis has the authority to take adverse action against existing licenses and deny license applications, under Minneapolis City Charter Chapter 4, § 16 and the Minneapolis Code of Ordinances § 317.160. Adverse action may include revocation, suspension, fines, and other penalties or conditions.

The adverse action is being taken for the following reasons:

**1. Illegal occupancy.**

The owner of the business has allowed an employee to live at the business when the business is not licensed for such usage. Sharon Hanson was given permission by Gerald Lindstrom to live at Lowry Laundry.

**2. Failure to comply with hours of operation.**

Minneapolis Code of Ordinances § 548.300 provides that businesses may be open Sunday through Thursday, from 6:00 a.m. to 10:00 p.m. and Friday and Saturday, from 6:00 a.m. to 11:00 p.m.

On Saturday, June 23, 2001, individuals were observed inside drinking inside Lowry Laundry at 1:30 a.m. A person rode up on a bike pounded on the window and was let into the business.

On Friday, July 6, 2001, officers conducted a business check at Lowry Laundry at 10:15 p.m. Both doors were open. Sharon Hanson, a female and a male were drinking beer inside. Hanson claimed to have lost her keys and could not lock the laundry. The keys to the laundry were observed on a dryer. (CCN 01-191653).

On July 14, 2001, the rear door to Lowry Laundry was found unlocked and unsecured at 10:35 p.m. The business was notified and the door was found locked at 11:55 p.m.

At the times described above the doors were open and unlocked and people were inside.

**3. Failure to remedy criminal and nuisance activity at the businesses.**

Activities at Lowry Liquor and Lowry Laundry constitute a Public Nuisance in violation of Minn. Stat § 617.80. The businesses have been notified of the activities and have failed to remedy the problems.

Interviews with neighbors, complaints from neighbors and neighbor impact statements from 1994 to the present indicate that public urination, loitering and littering occur at and around the businesses and that the businesses are unkempt. The owners and managers of the businesses have been ineffective in addressing and remediating the complaints brought to their attention.

Gerald Lindstrom, on behalf of the businesses, entered into a mediation agreement on August 17, 1994, that sought to address the ongoing problems at the businesses. The problems persisted at and around the businesses.

On June 13, 2001, a controlled buy of controlled substances that tested as methamphetamine was made from Sharon Hanson, an employee, inside Lowry Laundry. (CCN 01-158528).

On July 6, 2001, officers while leaving the front of the laundry after a business check interrupted a drug deal behind the liquor store. A male was in possession of 10 grams of cocaine and admitted knowing the employees of the liquor store and stated that he was there to meet them. The male was charged with a criminal violation. Liquor store employees William Birmingham and Charles Fortune came out of the store. Fortune was arrested for an outstanding warrant. Both employees confirmed that they knew the individual in possession of the cocaine. (CCN 01-188042, attached).

On July 11, 2001, officers made a controlled buy of methamphetamine from Sharon Hanson at the laundry.

On August 1, 2001, Sharon Hanson was stopped for driving the liquor store van while making a delivery for the liquor store. Ms. Hanson's license was invalid and she was arrested. Inside her purse officers discovered methamphetamine. Ms. Hanson admitted to arranging drug deals while working both for the laundry and the liquor store and knowing about people trying to sell stolen property in the laundry. (CCN 01-218114).

#### **4. Excessive use of City resources in dealing with problems at Lowry Liquor and Lowry Laundry.**

The SAFE Unit, has spent an estimated 60 hours attempting resolve issues with the businesses in 2001. The SAFE Unit had investigated and dealt with complaints from residents; followed up complaints and investigations with the business owners; referred matters to licensing; prepared for and attended Technical Advisory Committee ("TAC") hearings. The SAFE Unit has averaged 6 calls a week regarding the businesses.

The Minneapolis Police Department has spent an estimated 80 hours attempting to resolve issues with the businesses 2001, including criminal investigations, neighborhood complaints and preparing for and attending TAC hearings.

Licensing and Consumer Services has spent an estimated 45 hours attempting to resolve issues with the businesses in 2001 including resolving complaints from community; inspections of the businesses; investigations of the hours of operation; preparing for and attending TAC hearings and attempting to resolve a TAC agreement.

### **RIGHT TO A HEARING**

You may have two options to respond to this action.

**First**, you may admit the facts, and schedule a hearing before the Public Safety and Regulatory Services Committee of the City Council ("Committee") to argue what the penalty, if any, should be; or

**Second**, you may contest the facts, and request a hearing before an administrative law judge for the purpose of presenting testimony and witnesses, and confronting the witnesses on behalf of the City.

If you do not contest the facts, a hearing will be scheduled before the Committee at the earliest possible date. The Department will be asking that adverse action be taken regarding your business licenses. The adverse action will consist of conditions placed on the business licenses for Lowry Liquor and Lowry Laundry. You may appear at the hearing before the Public Safety and Regulatory Services Committee and argue that no penalty or a lesser penalty be imposed by the Committee.

## **PROPOSED ADVERSE ACTION**

The conditions that will be requested are as follows:

1. The owner of Lowry Liquor and Lowry Laundry (“owner”) will comply with all housing and fire codes and ordinances. Any and all written orders must be completed by their due date.
2. The owner and employees of Lowry Liquor and Lowry Laundry will comply with all statutes of the State of Minnesota and ordinances of the City of Minneapolis.
3. The owner and employees of Lowry Liquor and Lowry Laundry will call 911 when necessary to address illegal activity on the premises.
4. The owner and employees of Lowry Liquor and Lowry Laundry will cooperate with and assist the police when they respond to calls at the businesses.
5. The owner and employees of Lowry Liquor and Lowry Laundry will patrol and monitor the business property to assure that there is no conduct on the property that would constitute a criminal nuisance. Conduct constituting a criminal nuisance would include, but not be limited to, selling or purchasing of controlled substances, prostitution, gambling, weapons violations, public consumption of alcohol, public inebriation, unlicensed sale or gifts of alcoholic beverages and disorderly conduct.
6. The owner will post notices on the property prohibiting trespassing in a form and manner approved by the Minneapolis Police Department and assure that the notices remain posted on the premises.
7. The owner will issue trespass notices to any person involved in criminal behavior at the businesses. The owner will call 911 when it is necessary to remove persons that do not obey the trespass order.
8. The owner will not allow anyone to live at or unlawfully gather at the businesses. The owner will not allow anyone to gather, congregate or remain on the premises if the person is not conducting legal business with the owner or employees.
9. The owner will personally manage and be present on the business premises unless a professional manager is hired. As a minimum, the owner will maintain office hours on Monday through Saturday from 7 p.m. until 10:30 p.m. or the close of business, whichever is earlier.

10. If a professional manager is hired, the manager must comply with the requirements of Minneapolis Ordinance 362.100 that include a criminal background check, providing a written supplement of work and residential history and be approved by the City Council. When a professional manager is approved and hired, the owner will not be required to maintain evening office hours. The professional manager must be present on the business premises during the hours set forth in paragraph 9.
11. The owner will maintain the exterior of the business properties as required by Minneapolis ordinances and remove all trash and debris.
12. The owner will post a daily schedule with date, time and employee who is responsible for the clean up. The employee will check and initial the list after completing trash and debris removal.
13. The owner supply licensing with employment records indicating the name, address, and work schedule of employees monthly by the 15<sup>th</sup> of each month.
14. The owner shall provide business records monthly by the 15<sup>th</sup> of the month showing purchases and sales made at each business.
15. The owner shall pay administrative costs of \$4,000 to partially offset the resources of the City of Minneapolis spent at the business to resolve the issues described above.
16. Sharon Hansen will not be allowed on the premises of either business.
17. A violation of any of the conditions ordered will constitute good cause to revoke the business license of Lowry Laundry and Lowry Liquor.

If you do not dispute the allegations or facts, or agree that a violation occurred, but want to have the opportunity to speak to the City Council to argue for the lightest possible penalty under all the circumstances, please call me to schedule an appearance before the Public Safety and Regulatory Services Committee of the City Council.

If you wish to wish to contest the facts you may request a hearing. A hearing will be scheduled before an administrative law judge for the purpose of presenting testimony and witnesses.

***If you wish to have a hearing please notify me in writing on or before April 15, 2002.***

Thank you.

Very truly yours,

TIMOTHY S. SKARDA  
Assistant City Attorney  
(612) 673-2553

